

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:19-cv-00348-MR  
[CRIMINAL CASE NO. 1:17-cr-00036-MR-WCM]**

<b>ALAN PETER DARCY,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Respondent.</b>	)	
_____	)	

**THIS MATTER** is before the Court on the Petitioner’s Motion to Partially Seal 28 U.S.C. Section 2255 Filing [Doc. 2].

On December 13, 2019, the Petitioner, through counsel, filed a motion to vacate pursuant to 28 U.S.C. § 2255, along with a memorandum in support thereof. [Doc. 1]. The following day, counsel filed the present motion, seeking to seal two pages of the supporting memorandum. While the reason for the requested sealing is not clear, it appears that counsel seeks to seal these two pages from public disclosure because they contain quotes from the Petitioner’s Presentence Report (“PSR”).


The Petitioner has failed to demonstrate any interest compelling enough to overcome the presumptive right of public access to the entirety of

his motion to vacate and the memorandum in support thereof. PSRs often contain sensitive personal and protected health information. They also may disclose information about cooperating witnesses, the disclosure of which could endanger the safety of the defendant or others. For all these reasons, PSRs are typically filed under seal. While the Petitioner's memorandum quotes portions of the PSR, the quoted passages do not contain the type of sensitive information (such as the types discussed above) which warrant the sealing of PSRs. Rather, the quoted passages reference past criminal conduct for which the Petitioner was charged in the District of South Carolina, which is a matter of public record. See United States v. Alan Peter D'Arcy, Criminal Case No. 8:10-00999-GRA (D.S.C.). For these reasons, the Petitioner's motion to seal pages 5 and 6 of the memorandum in support of his motion to vacate is denied.

**IT IS, THEREFORE, ORDERED** that the Petitioner's Motion to Partially Seal 28 U.S.C. Section 2255 Filing [Doc. 2] is **DENIED**.

**IT IS SO ORDERED.**

Signed: December 18, 2019

  
Martin Reidinger  
United States District Judge

